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TRUTH'S

ADVOCATE

AND

MONTHLY

Anti-Jackson Expositor.

BY AN ASSOCIATION OF INDIVIDUALS.

CINCINNATI:
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Henry Drew

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MONTHLY ANTI-JACKSON EXPOSITOR.

CINCINNATI, OHIO, OCTOBER, 1828.

JACKSON IN FLORIDA.

In the preceding numbers of this work, Gen. Jackson has been exhibited as a military commander, and as a private citizen. Some prominent points of his conduct, in both these relations, have been investigated, and presented to the country, in their true colours. The just inference from these exposures, is, that he is not either in temper, habits, or capacity, qualified for civil rule. This result, which seems inevitable, from the facts already spread before the public, is most conclusively sustained by his course of conduct, when placed in the office of a civil magistrate. Fortunately for those, who sincerely wish to make a just estimate of Gen. Jackson's fitness for the Executive office of the nation, he has been called to officiate as a Chief Executive officer, in a purely civil capacity. His conduct in that office, is matter of history, and is preserved in public and official documents. From these it is now intended to compile a full and faithful account of his proceedings, connected with such explanations and reflections, as may serve to present the whole in a just light before the nation. It will not be practicable to compress this narrative, with the necessary documents to sustain it, within the space that could be wished. But although the article must be a long one, it will be found to comprise a body of information highly interesting to the politician, the historian, and to every honest enquirer after the true character of Gen. Jackson.

The general fact is well known, that in 1821, Gen. Jackson was appointed by President Monroe, to receive possession of the Floridas, from the Spanish authorities, and to officiate as Governor over the territory. It is equally well known, that in the performance of these duties, Gen. Jackson involved himself in desperate quarrels with the Spanish officers, and with the United States Judge. The active and operating motives that produced these results, and the discreditable conduct into which Gen. Jackson's passions hurried him, are little known and almost forgotten. It is only by a perfect knowledge of these, that the demerits of his proceedings can be fully understood.

Early in the year 1819, a treaty was concluded at Washington, between Don Onis, the Spanish minister, and Mr. Adams, Secretary of State, for the cession of the Floridas, by Spain, to the United States: and Congress, in anticipation of its ratification by Spain, passed a law, providing for taking possession of, and governing it. The ratification, however, did not take place until the 24th of October, 1820, on the part of Spain, and on the 18th of February, 1821, it was ratified by the Senate: the ratifications were exchanged, and the treaty promulgated at Washington, February 22nd, 1821. Congress then proceeded to enact another law providing for taking the possession of, and for the government of the country. This second law was considered as superesding the law of 1819, and all that was done under it.

By the 1st section of this law, the President was authorized to take possession, and to remove the officers and soldiers of Spain, according to the provisions of the treaty, for which purpose he was empowered to employ any part of the army and navy of the United states, or the militia. By the second section, it was provided: "That until the end of the first session of the next Congress, unless provision for the temporary government of said territories be sooner made by Congress, all the military, civil, and judicial powers, exercised by the officers of the existing government of the same territories, shall be vested in such person and per-

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sons, and shall be exercised in such manner as the President of the United States shall direct, for the maintaining the inhabitants of said territories in the FREE ENJOYMENT of their liberty, property, and religion." This section furthur provides for the enforcement of the revenue laws of the Union, within the territories; the subsequent sections provide for executing certain specific stipulations in the treaty, appointing commissioners for different purposes, fixing their compensation, and appropriating one hundred thousand dollars for carrying the law into effect. The provisions of the second section, as above quoted, are a transcript of the law of 1803, with respect to taking possession and to the government of Louisiana.

Under this law, the President issued three commissions to Gen. Jackson; one appointing him to receive possession of the Floridas; one appointing him Governor of the Floridas; and a special commission for carrying into effect the stipulations of the treaty. It is only the powers conferred by the two last commissions, which it is necessary to understand. No difficulties arose about the first. After reciting the treaty, and the act of Congress, the commission of Governor proceeds:

"Now, know ye, that, reposing special trust and confidence in the integrity, patriotism, and abilities, of Maj. General Andrew Jackson, I do, in virtue of the above recited act, appoint him to exercise, within the said ceded Territories, under such limitations as have been, or may hereafter be, prescribed to him by my instructions, and by law, all the powers and authorities heretofore exercised by the Governor and Captain General and Intendant of Cuba, and by the Governors of East and West Florida, within the said provinces respectively, and do authorize, and empower him, the said Andrew Jackson, to execute and fulfil the duties of this present appointment according to law, and to have and to hold the same, with all its powers and privileges, until the end of the next session of Congress, unless provision be sooner made for the temporary government of the said territories, so ceded by Spain to the United States: *Provided, however*, and it is the true intent and meaning of these presents, that the said Andrew Jackson, or any person acting under him, or in the said territories, shall have no power or authority to lay or collect any new or additional taxes, or to grant or confirm to any person or persons, whomsoever, any title or claims to lands within the same."

The special commission, after reciting the treaty, the law, and the powers given as Governor, is in these words:

"Therefore, be it known, that in virtue of the above recited act of Congress, I do, by these presents, appoint and authorize you, the said Andrew Jackson, to administer the government with the existing authorities, in the best manner in your power for the present, and to report without delay, the actual state, with such alterations as you may think advisable, that further instructions may be given respecting the same: and I do authorize you to suspend any officer or officers in the said territories which the public good may seem to require, with the exception always, of such as are, or may be appointed by the President of the United States, making a report to this government of your proceedings therein."

The two first commissions are dated March 10th; the last March 20th, 1821.

The President also appointed Col. Forbes to proceed to Havana, and receive from the Governor certain archives and public documents, belonging to the Floridas, and to receive from the Governor of Cuba, the proper orders to the Governors of the Floridas, to deliver the country to the United States. At a subsequent time, the President made the following other appointments:

Eligius Fromentin, of Louisiana, to be Judge of the United States for West

Florida, and for that part of East Florida which lies westward of the Cape, to reside at Pensacola.

Alexander Anderson, of Tennessee, to be Attorney of the United States for West Florida, and for that part of East Florida which lies westward of the Cape, to reside at Pensacola.

William P. Duval, of Kentucky to be Judge of the United States for East Florida, with the exception of that part which lies westward of the Cape, to reside at St. Augustine.

John G. Bird, of Georgia, to be Attorney of the United States for East Florida, with the exception of that part which lies westward of the Cape, to reside at St. Augustine.

James Grant Forbes, of New York, to be Marshal of the United States, in and for East and West Florida, with authority to appoint a deputy, either for St. Augustine or Pensacola, while he shall himself reside at either of those places.

George Walton, of Georgia, to be Secretary in and for West Florida, and for that part of East Florida which lies westward of the Cape.

William G. D. Worthington, of Maryland, to be Secretary in and for East Florida, except that part which lies westward of the Cape, to reside at St. Augustine.

Mark Harden, of South Carolina, to be Collector of the Customs at St. Marks.

John Rodman, of New York, Collector of the Customs, and Richard S. Hackley, of Virginia, Surveyor and Inspector of the Revenue, at St. Augustine.

Alexander Scott, of the District of Columbia, Collector of the Customs; William S. Smith, of the District of Columbia, Naval officer; and Charles Jenkins, of South Carolina, Surveyor and Inspector of the Revenue, at Pensacola.

Gen. Jackson was apprised of his appointment, by a letter from the Secretary of State, dated March 12, 1821. This letter contained particular instructions for the performance of the various duties assigned to Gen. Jackson, and from it, the following extracts are made;

"It is the President's desire, that you should appoint Gen. Gaines, or such other officer as you may deem expedient, to receive possession of St. Augustine; and that the same instructions should be applied to the execution of that service. The United States brig Enterprise or schooner Porpoise, will be ordered to proceed to that place, to escort the transports which are to convey the Spanish officers and troops thence to the Havana. The care of providing the transports at both places is referred to you. The number of troops at either place is not known, but supposed to amount to about 500 men at each. The stipulation is understood to include civil as well as military officers, and provisions as well as passage.

"Instructions will be given by the Secretary of War, to the Quarter Masters and Commissaries, to furnish to your orders, provisions and transports for the conveyance of the Spanish officers and troops. It is expected they will be supplied at New Orleans and Mobile, for those to embark within the Gulf, and at Savannah and Charleston, for those going from St. Augustine. * * * *

"As soon as the possession shall be transferred, you will, in pursuance of your authority over the ceded territories, issue proclamations announcing the fact—a form adapted from that which was issued on the first occupation of Louisiana is herewith enclosed, to be modified as the circumstances, in your opinion, may require.

"The power vested in you by the enclosed commissions, are also conformable to those which were entrusted to the Governor of Louisiana, under an act of Congress of similar import.—The President is satisfied that they will be exercised by you with a due regard as well to the privileges and usages of the inhabitants, under the government to which they have been subject, as to the personal and social rights to which they will be entitled by the stipulations of the treaty, and as associates to the union of these

states. The money paid into the Spanish treasury before the delivery of possession, and whatever may be due thereto at that date, is to be considered as the property of Spain. Payments and debts subsequent to that date will belong, of course, to the United States. * * *

"Your compensation as Governor will be at the rate of five thousand dollars a year. As Commissioner for receiving possession of the provinces, such reasonable expenses as may be incurred, will be allowed. Whenever your military command ceases, your salary as Governor will commence. * *

"At the ensuing session of Congress, it is to be presumed, one of the earliest objects of attention to that body, will be to make further provision for the government of these territories. The President wishes you, in the interval, to collect and communicate to this Department, any information relating to the country and its inhabitants, which may be useful to the exercise of the legislative power of the Union concerning them. * * *

"For the expenses incident to the services herewith required, you will draw upon this department. Strict economy is to be observed in incurring them, and I have urgently to request the transmission, as early as possible, of all the accounts resulting from them, with the vouchers necessary for their settlement at the Treasury." * *

By the act of March, 1821, reducing the military peace establishment, which took effect on the 1st day of June, 1821, Gen Jackson's military command ceased; at that time, his salary as Governor commenced.

Gen. Jackson left Nashville for the performance of his duties in the Floridas, so as to arrive at New Orleans on the 22d of April. He took with him his military family, or, at least a part of them; Captain Call, as aid-de-camp, and Doctor Bronaugh, as Surgeon General, accompanied him. At New Orleans, he commenced enquiries of the Quarter Master's department, for funds to provide for the transportation of the civil and military officers of Spain, according to the terms of the treaty. His own account of his movements, and his own opinions of the results, are here inserted, as the first specimen he has given, of his views of the powers and duties of civil officers:

"I have here met with Major Staunton, of the Quarter Master's Department, who advises me, that he is without Quarter Master's funds for the purpose of carrying into effect the transportation of the civil and military officers of Spain from the Floridas, as stipulated under the late treaty with Spain, and informs me, that it is understood by the Quarter Master General, that, through me, the funds necessary to carry into effect the stipulation for transporting the Spanish troops are to be obtained. *From the perusal of my instructions, it does not appear that I am authorized to draw upon the State Department for Quarter Master's funds, but will take upon me the responsibility so to do.* I thought it most advisable to endeavour to raise here, by a draft upon your Department, the sum necessary to meet the expenses of receiving the country and organizing the government, fearing that a draft would not be sold at Mobile or Pensacola; for this purpose, I offered for sale a draft, and found I could not obtain United States paper for it without a discount. I therefore, directed Major Staunton to apply to the branch bank of the United States, to be informed whether it would advance upon my draft? It refused. I then addressed a note to the Collector, Mr. Chew; the enclosed is his answer. I also enclose the statement of Major Staunton; from all which you will discover, that, without discount, money cannot be obtained here on drafts upon the Government. No delay, however, shall occur in the transportation of the Spanish troops, from the want of funds, as far as I can command them: nor will I ever consent to sell bills on the government at a discount, to any, and more particularly to the branch bank of the United States, in which is deposited all the revenue of the government received at this place. I shall endeavour at Mobile or Pensacola, to raise the necessary funds on drafts. Should I fail there, I trust

upon the receipt of this, the government will instruct the branch bank to furnish me with the amount that may be necessary to meet the expenses that may occur in receiving the Floridas, and organizing the government thereof.

"I am, Sir, &c.

"ANDREW JACKSON."

["ENCLOSURES IN THE ABOVE.]

"Major Stanton to Governor Jackson.

"NEW ORLEANS, April 25, 1821.

"SIR: Agreeably to your request of this morning, I waited on the Cashier of the United States branch bank, and stated to him your wish to negotiate through his bank, a draft on Washington, for ten or fifteen thousand dollars, which he peremptorily declined doing. Knowing the importance of obtaining funds, and that money could not be had in market for drafts, but at a discount, I ventured to state to the Cashier such reasons as presented themselves to my mind, why the favour requested should be granted, and the very serious embarrassment that might result to the public service, should he persist in his refusal, which, however, he thought proper to do, without assigning *any other reason*, than that the mother bank forbade his negotiating drafts.

"I have the honor to be, &c.

"H. STANTON, *D. Q. M. G.*"

"*The Collector at New Orleans to Gov. Jackson, dated 25th April*, 1821.

"SIR: I have the honor of acknowledging the receipt of your letter of yesterday's date, and should have been extremely happy to be empowered to advance the sum you require, by accepting a draft on the Department of State; but particular instructions from the Honorable Secretary of the Treasury would be necessary to authorize me to make that disposition of the public money in my hands.

"I am, &c.

"BEV. CHEW."

It is here seen, that the habitual disregard of all legal restraints, was so prevalent with General Jackson, that he proposed, without scruple, to transcend his authority, and do what his instructions did not warrant. And that he obliquely censures both the Cashier of the branch bank of the United States, and the Collector of the Customs, because they would not, either of them, disregard their official duties at his bidding. He admitted that he had no authority to draw a draft on the State Department, yet he determined to draw such a draft!! The Cashier of the branch bank declined purchasing this unauthorized draft, because his "*instructions forbade his negotiating drafts.*" The Collector could not advance money upon the draft, because, without particular instructions from the Secretary of the Treasury, he had no authority to dispose of the public money. Yet Gen. Jackson is evidently dissatisfied. What possible security could there be for public monies, if it were allowable to pay them out upon unauthorized drafts, contrary to positive instructions, or without the legal authority? Gen. Jackson conceived that all this was proper, and not only attempted to effect these illegal monied operations, but in the heat of disappointment, gives a very unjustifiable turn to the refusal, by those who held the money, to part with it. He holds this language: "Nor will I ever consent to sell bills on the government at a discount to any, and more particularly to the branch bank of the United States, in which is deposited all the revenue of the government, received at this place." The natural inference from this language would be, that the branch bank sought to obtain the General's bills upon government, at a discount, whereas, the Cashier stated, explicitly, that his instructions forbade him from purchasing at all. The D. Q. M. G. expresses pretty distinctly, his opinion, that obedience to his instructions, on the part of the Cashier, was but an insufficient ground of action. He reasoned with him to induce disobedience, and seems quite surprised that he should think proper, to refuse "*without assigning any other reason.*" And Gen. Jackson adopts the D. Q. M. G's opinion, as it would seem, from the manner in which he treats the subject. Is not this proceeding one of a

most startling character? Here is a high functionary of the government, seriously reasoning with an officer having charge of money belonging to other people, to prevail with him to act in direct disobedience to the instructions of his employers!! Surely such a course of conduct evinces but very loose notions of either individual or official morality!

From N. O. Gen. J. proceeded to Blakely, in Alabama, which place he reached on the 29th of April, and from thence he proceeded to Montpelier, where he was on the 19th of May.—From Blakely, Gen. Jackson sent Messrs. Bronaugh and Brackenridge, one as Surgeon General, the other as private Secretary to the General, to notify the Governor of Pensacola, that he was appointed to receive possession, and proposing to enter into preliminary arrangements for receiving it, as soon as Mr. Forbes should arrive from Cuba with the proper orders. CALLAVA, the Governor of Florida, declined entering into these arrangements, and assigned as a reason, that he had not "received any orders from the Captain General of Cuba, the superior on whom he was immediately dependant, relative to the treaty and surrender of the province, and by which his measures must be governed, in case he should be selected as the person to make the same."

This reply was dated the 4th of May, and was received by Gen. Jackson on the 7th. In communicating the facts to the Secretary of State, Gen. Jackson took upon himself to express surmises as to the cause of Mr. Forbes's delay at Havana, very discreditable to the Spanish authorities. The following is an extract of his letter, dated Blakely, May 7th, 1821:

"I am at a loss to conjecture the causes of the delay of the Hornet; a few days will give us the reason, and I hope it may not be found to exist in any understanding existing between an association of *our merchants* and the Governor General of Cuba: but, sir, it is rumoured and believed here, that such an attempt will be made by merchants, to prevail upon the Governor General to withhold the order for the delivery of the Floridas, until the last moment to give time for the arrival of large shipment of goods for Pensacola."

This rumour & belief implies a scandalous imputation upon '*our merchants*,' as well as upon the Governor Gen'l. of Cuba. And it is no evidence of purity of intention, to be so ready upon mere *rumour, to believe* and give expression to a charge of such degrading character. We may no doubt trace to this species of ungenerous suspicion, the disagreeable events that followed, after General Jackson obtained possession. This, it will be seen, is not the only instance in which the General allowed himself to cherish and express suspicions highly derogatory to the Spanish officers and to our own citizens.

On the 14th of May, Captain Call was again at Pensacola, with a message from Gen. Jackson to Governor Callava. Certain propositions were made, and on the 16th, Gov. Callava returned an answer, concurring in the propriety of all that was suggested, but declining to act upon them, because he had as yet received no orders, and was without authority. This reply appears to have been perfectly satisfactory to the General. In communicating it to the Secretary of State, on the 21st, he observes, it "will shew you the feelings of the Governor, and that nothing is wanting but the arrival of Col. Forbes, to place us in possession of the ceded country."

Capt. Call, in making report on the 21st of May, of his interviews with Gov. Callava, thus expressed himself:

"I had repeated interviews with the Governor, and as far as I had an opportunity of forming an opinion of his character, I believe him to be a frank, ingenuous soldier, and that every confidence may be placed in the professions which he has made. Of this I am sure, he is not less anxious to leave, than you are to occupy, the ceded country."

Previous to the receipt of this communication from Gov. Callava, and of Capt. Call's report, Gen. Jackson had entertained different opinions, and thus

expressed them, in a letter to the Secretary of State, dated Montpelier, May 19th.

"Believing, as I do, that, as soon as the Spanish agents are notified of the ratification of the treaty and the exchange thereof, there can be no reason for delay, the moment the Hornet arrives, I shall move to Pensacola, and having taken possession, shall organize and exercise the government of the country, as a thing which we have a perfect right to do at any time. The evacuation of the fortifications by the Spanish officers and troops, and the transporting them to Cuba, is another thing, to accomplish which they have six months, if it is not possible to withdraw them sooner.

Here, from my instructions, I am to remain until the arrival of Colonel Forbes; but on his arrival, if any delay is attempted, it cannot be attributed to the government of Spain, but a wanton act of her officers, not warranted by good faith, or by the treaty. In this case, therefore, I have a right to present myself, and demand possession. This course I intend to pursue, if necessary, and my conjectures that this course may become necessary, grow out of the delay of the arrival of Col. Forbes. From reading his instructions, I cannot see any real cause for his delay, or how it has occured, or why he has permitted it."

On the 30th of May, the first unfavourable impressions, which seemed to have been removed on the 21st, had again taken possession of the General's mind. He thus writes to the Secretary of State:

"I have no information from Colonel Forbes since my last; but it appears to be understood and expressed by the inhabitants of Pensacola, that we will not get possession until the expiration of six months from the exchange of ratifications of the treaty. My letter of the 19th inst. will have given you my construction of the treaty, and my power under the commission to take possession of the Florids, combined with your instructions. I shall anxiously await your answer to that letter, as I have but little doubt now, but we will experience every delay that can be thrown in our way, and I have no wish to do an act contrary to my instructions, or the wish of my government; but when I review the delays and conduct heretofore practised by the Spanish government, I feel myself bound to oppose any attempt to prostrate our national character, and to violate the pledges of friendship given in the treaty. I feel every desire to harmonize and to obtain possession of the country ceded in the most gentle manner, provided I meet a corresponding disposition on the part of the officers of Spain: but, if the order for the delivery should not be sent by Col. Forbes to the Governor of Pensacola, on his report that he has delivered the royal order to the Captain General and Governor of Cuba, I deem it imperious upon me, to advance within the limits of Florida, tender sufficient transportation, and demand a surrender of the country, agreeably to the second article of the treaty—it being presumed that the Governor-General of Cuba has done his duty, and that duly notifying the Governor, he has given the necessary order for the delivery of the ceded country. If the Governor alleges that he is not ready to deliver the country and embark his troops, it seems to me, that he is not only bound to show good reasons, but also to defray the expenses of demurrage incurred upon the public vessels ordered for the transportation of his troops. If the Spanish Governor should not embark his troops before the 22nd of August next—must not the Spanish Government after that date furnish their own transportation, having violated the treaty, and have not I a right after that date, *to take possession by force*, if not peaceably surrendered? From the wording of the Act of Congress, I have no doubt we have.

"I hope I may be agreeably disappointed in my forebodings, but, from the declarations of some Americans that we will not get, nor have a right to demand, possession, until the expiration of the six months, and that even then we must negotiate for pos-

session, added to the delay already experienced; I am induced to believe that every delay will be experienced, that the Spanish officers think will be submitted to by the American government."

What had occurred between the 21st and the 30th of May, to revive these suspicions, and inspire the General with such unfavorable sentiments, we have no means of ascertaining. No facts are detailed in the correspondence, to warrant the General's opinions; and the whole of his suspicions seem to be predicated upon the delay of Col. Forbes. But these suspicions are not more unreasonable than the doctrine he advances, in connection with them, is extraordinary.

By the 7th article of the treaty, it was stipulated that "*the officers and troops*," in the territories ceded, should be withdrawn, and possession of the places occupied by them should be "*given*" to the commissioners of the U. States appointed to receive them within six months from the ratification of the treaty. The President had recognized the necessity of a delivery by Spain to a commissioner appointed for that purpose. The King of Spain had made an order to the Captain-General of Cuba, to cause delivery to be made. The President of the United States had appointed a commissioner, and sent him to Cuba with the order of the King of Spain, to obtain the requisite and necessary order for the delivery. In this State of the case, the Commissioner takes upon himself to set up a new interpretation, and determines that he has a right, under the treaty, to take immediate possession, without waiting for the formal act of delivery. And this doctrine he founds upon the proposition assumed by himself, in the absence of all proof, that the delay is the "*wanton act of the Spanish officers, not warranted by good faith or by the treaty.*"

This assumption is contrary to all comity between nations. It is by public functionaries that all Governments act. If such functionaries disregard their duty, the plain course is to make representations to their government, and it is only when these representations fail to produce effect, that the injured nation can properly complain, or take redress into its own hands. Any other doctrine would lead to the most mischievous consequences, and would place it in the power of every hot headed, and every idle public functionary to compromit the peace of nations and of the world.

Until the ceded country was delivered to Gen. Jackson, by the Spanish authorities, he was not authorized to exercise any power over it. The government remained with Spain, until transferred to the United States under the treaty; and that fact was to be made known by proclamation, a form for which, was sent to Gen. Jackson by the Secretary of State. The two Governments were careful to provide against any possible collision of authority, between their officers, exercising their functions at the same time, over the same country. Gen. Jackson was vested only with the powers of Commissioner to receive possession, and yet this mere ministerial agent, proposes "*to take possession by force.*"

Let us only remark upon the various characters it became necessary to assume in this proceeding. First: the Commissioner, accuses the Spanish officers of violating the treaty. Second: he sits in judgment upon this accusation, and pronounces it true. Third: he proceeds, as judge, to pronounce sentence and invest himself with a right to execute it. And fourth: he takes command of the military force of the nation to enable, him, by force. to carry his own judgment upon h own accusation, on his own testimony, into effect. Is not this the very essence of tyranny, even in the case of an individual? What character can properly be given to it, when its consequence is to embroil his own with a foreign government, in the very fact of executing a treaty of amity, settlement and limits between them? The laws and the comity of nations forbade that the government of the United States itself, should have pursued any such course. The proposition of a mere agent, that he would pursue it, upon his own authority, shows how utterly

ignorant Gen. Jackson was of public law, and of public duty; or, feeling that he was the strongest, his utter disregard of both. The result demonstrated, that his suspicions of the Spanish authorities, and of "*our merchants*" were alike unfounded. The Floridas were delivered in good faith, on the 17th of July, 1821, and the delay accounted for, to the satisfaction of the President.

A careful perusal of the narrative and documents here presented cannot fail to impress all candid minds, with the unfitness of Gen. Jackson for civil office. They exhibit him as ready to assume authority, and disregard legal and official restraints, and to encourage the same conduct in others, upon his own notions of public service. No doctrine or practice could be devised more subversive of all public security, and of all public morals. He is shown to be unacquainted with, or wholly regardless of the plainest principles of public law and of public duty. It is demonstrated that he is capable of conceiving and uttering imputations of the basest character, against foreign public officers, and against his own countrymen. Imputations of no less enormity than bribery, corruption, and dereliction of duty, consequent upon them, without even attempting to adduce other evidence than his own suspicions. These are all traits of character, which greatly disqualify him for the high office of President of these United States.

We have seen that Gen. Jackson received possession of the Floridas, on the 17th day of July, 1821. His functions of Commissioner then ceased, and he became Governor, according to his own interpretation of his powers, concentrating in himself, the legislative, judicial, executive and military powers of the Captain-General of Cuba. On the 18th of July he commenced the exercise of his legislative functions in the enactment of a law or ordinance, respecting the town of St. Augustine. It is in the following words:

An Ordinance by
MAJ. GEN. ANDREW JACKSON,
Governor of the Province of the Floridas, exercising the powers of the Captain General and of the Intendant of the Island of Cuba, over the said Provinces, and of the Governors of said Provinces, respectively.

That with a view to the preservation of the good order, and health of the Town of St. Augustine,

I DO ORDAIN:

Sec. 1. That there shall be appointed, annually, *by the Governor*, a Chief Officer, to be called the Mayor, and six subordinate officers, to be called Aldermen, who shall form a Council, *and have and exercise* ALL THE POWERS necessary to the good government of the said Town.

Sec. 2. That the said Mayor and Council *shall have power by ordinance* OR OTHERWISE, to *impose fines or forfeitures*, for the infraction of their regulations; and appoint such officers as they may *deem necessary* to enforce their ordinances; and to levy SUCH TAXES AS MAY BE NECESSARY for the support of their Town Government.

Sec. 3. As the Christian Sabbath is observed throughout the civilized world, it is ordained, that, *in order to remove any doubt which might be entertained, with respect to the powers of the Mayor and Council on this subject*, that the said Mayor and Council be authorized to make ANY REGULATIONS *on the due observance thereof*, WHICH THEY MAY DEEM PROPER.

Sec. 4. In order to remove all doubts on the subject of the limits of the town of St. Augustine, and its dependencies, as well as to place under the IMMEDIATE CONTROUL of the Mayor and Council ALL THE FOUNTAINS AND SPRINGS *from which the inhabitants are supplied with water*, it is ordained that the incorporated limits of said town shall be as follows: Bounded East by the waters of the harbour; South and west by the river St. Sebastian, and on the North by a line fifteen hundred yards North of the gate of fort St. Mark.

Sec. 5. [Relating to matters of police, is omitted.]

Section 6. [Gives to the Mayor and Council the power to acquire and dispose of property for public use.]

Sec. 7. That all the innkeepers, gro-

cers, and other retailers of liquors, are, by this ordinance, expressly prohibited from FURNISHING or *selling*, ANY LIQUOR or ardent spirits, whatever, to any *soldier in the service of the United States of America*, under the penalty of nineteen dollars for each offence, and to stand committed to the *common jail* until the said penalty, with costs, is paid.

Pensacola, July 18, 1821.

ANDREW JACKSON,
Governor of the Floridas, &c.

By the Governor:

W. D. G. WORTHINGTON,
Sec'y., &c. for E. Florida.

This ordinance and others connected with it, hereafter to be noticed, were brought before the public, by a writer in the National Intelligencer, who assumed the cogomen of 'HENRY.' He has treated the whole subject, in a very able manner, and he is entitled to the thanks of the country for his exertions to preserve her civil institutions, from the controul and direction of incompetent hands. It does not comport with my plan to insert his views and reasonings in extenso; but I take occasion to say, that I am indebted to him, for most of what I shall say upon the subject.

The ordinance now before us, creates a political corporation, and confers upon its functionaries, powers utterly incompatible with public safety, and individual liberty. American legislators, have, at all times, proceeded with the most jealous caution, when giving powers to political corporations. I recollect no case in which such corporations have been created, without a restraining clause, prohibiting the exercise of any power inconsistent with the constitution and laws of the Union, or the state. But here, this description of corporation, was clothed with powers absolutely and uncontroulably despotic. Their own discretion constituted their sole rule of legislation. "*All the powers*" they might deem necessary for the good government of the town, were given to them. Life, liberty, and property, were made subject to their disposal. They were invested with unlimited power of taxation. They were created *lords of the Sabbath.* "ALL THE FOUNTAINS AND SPRINGS, *from which the inhabitants were supplied with water*," were subjected to their "IMMEDIATE CONTROUL." Every thing that man could enjoy, the atmosphere alone excepted, might, under this organic law, be regulated by seven men,—the Mayor and six Aldermen. A more tremendous despotism was never conceived by the mind of man. Such is the first act of General Jackson as a civil magistrate in Florida.

It is in the nature of man, when clothed with power, always to press upon the limits of his authority, and if there be no limits, to riot in the indulgence of all he dare attempt, without endangering himself. The council created by this ordinance, were not remiss in exercising the powers vested in them. That of imposing taxes, is usually most palatable to public functionaries; and we have a specimen of its indulgence in this case.

"AN ORDINANCE,

Passed in the City Council, on the 17*th October*, 1821.

Be it enacted by the City Council of St. Augustine, That the following taxes be laid and collected within the city:

Twenty-five cents on each hundred dollars on landed property.

One dollar for each slave above the age of seven years.

Two dollars on each FREE *person of colour*, over the age of seven years.

Five dollars, yearly, on each riding carriage with two wheels.

Ten dollars on each riding carriage with four wheels.

Five dollars on each cart or dray.

Twelve dollars, *half yearly*, on each retailer of wines and spirits.

One per cent. on the amount of stock in trade, seven and a half per cent. on GROSS AMOUNT of sales at auction.

Two dollars on each dog.

Twenty-five dollars, half yearly on all Billiard Tables.

Ten dollars, half yearly, on every boarding house or tavern.

Fifteen dollars, half yearly, on every livery stable.

And be it further enacted, That it SHALL BE THE DUTY of the Collector of of city taxes, to give public notice,

ter, SHALL *receive* ONE DOLLAR!!!

Pensacola, July 18, 1821.

ANDREW JACKSON,
Governor of the Floridas, &c. &c.

By the Governor:

W. D. G. WORTHINGTON,
Secretary, &c. for E. Florida.

St. Augustine, Aug. 20, 1821.

The treaty secured, absolutely and unconditionally to the inhabitants of the ceded territory, the right of citizenship of the United States. This right the treaty makes to depend upon no act of the individual. It attaches, to him, as an indefeasable and necessary consequence of the cession. The acceptance of the territory, by the U. States, consecrated every inhabitant a citizen of the Union, if he chose to remain within its limits. He could not be called upon to make a declaration, or pay a fine, as a preliminary to his admission. This ordinance, No. 3, assumes the power of abrogating the treaty, and of making the right of citizenship depend upon the performance of acts and the payment of fees which it requires. Its third section assumes the prerogative, of disfranchising every one who does not conform to its provisions. And the sixth section requires that a fee of one dollar be paid to the Mayor for every name registered. It is difficult to decide whether the violence or rapacity of this ordinance most deserves reprehension. It devised a system of outrage and plunder. Outrage in assuming to controul the provisions of the treaty, and to disfranchise all who neglected to conform.—Plunder in exacting exorbitant fees, for the Mayor and other officers, from a people, not informed of their rights, and therefore, not likely to resist the imposition. These fees are outrageous. For every name entered on the register one dollar for the Mayor; and for every certificate of citizenship, "ONE DOLLAR EACH" to the Secretaries of the Territory and to the clerk of the Mayor. That is, one dollar to the Mayor, one dollar to his clerk, and one dollar to the Secretary: three dollars for the liberty of becoming a citizen!! And this right absolutely *secured by the treaty itself!!!* A poll tax of three dollars, upon each individual, for the benefit of three of Gen. Jackson's officers!!! Such is Gen. Jackson's third act as a legislator and civil magistrate.

Although the country at large has remained ignorant of these high handed, illegal, and violent measures of Gen. Jackson, they have not failed to excite in the constituted authorities, a just sentiment of indignation and abhorrence. The following law of Congress, passed May 7th, 1822, stamps with indelible infamy, these reproaches upon the legislation of a free government.

AN ACT to relieve the people of Florida from the operation of certain ordinances.

Be it enacted by the Senate and House of Representatives, &c. That an ordinance, No. 3, made and passed, on the 18th July, 1821, by Maj. Gen. *Andrew Jackson*, entitled &c.; and an ordinance passed by the City Council of St. Augustine, on the 17th of October, 1821, imposing and laying certain taxes on the inhabitants, and all other laws and ordinances, and resolves, so far as they enforce or confirm the same, be and the same are hereby repealed, and declared null and void.

Sec. 2. That if any person shall attempt to enforce any of said laws, ordinances or resolves, by demanding and receiving any tax, imposition, or assessment, authorized or prescribed thereby, such person shall, on conviction thereof, be punished by fine, not exceeding two hundred dollars, or by imprisonment not exceeding six months either or both of said punishments.

Sec. 3. That the President of the United States, shall, in such manner, and under such regulations, as he may direct and prescribe, cause to be refunded to any person, any sum of money which he may have paid under, or by virtue of either of said laws, or ordinances, or resolves."

There is one fact connected with these ordinances, thus stigmatised and reprobated, by the National Legislature, which it is proper to state, not because it really forms any apology

for Gen. Jackson, but because some of his adherents regard it in that light. H. M. Brackenridge, Esq. now a judge in West Florida, and who went to that country as private secretary to Gen. Jackson, and acted a conspicuous secondary part, in the scenes where Gen. Jackson was principal, has made a publication, assuming to himself and to a Mr. Duncan, all responsibility for the authorship of these ordinances.—He informs us, that the first was prepared jointly by himself and Mr. Duncan, and that the third was Mr. Duncan's sole production. I presume neither to enquire, nor to determine, whether Messrs. Brackenridge and Duncan were instruments in the hands of Gen. Jackson, or whether Gen. Jackson was an instrument in their hands. This is the real point made by Mr. Brackenridge's publication, and in my view, it is unnecessary to decide it. To the country, Gen. Jackson is the only responsible person, The ordinances are his, no matter who projected, or who prepared them. It "*sheds no additional lustre*" upon his name, should it be conceded that he yielded himself to the direction of Messrs Duncan and Brackenridge. Whatever share of the reprobation they may choose to take, cannot diminish the odium that rests upon Gen. Jackson.

It was not only as Commissioner and Legislator, that Gen. Jackson displayed, in Florida, his qualifications for civil office. He took upon himself to officiate as high justiciary of the country, and it was his judicial acts, that made the most noise, and attracted the most attention. A brief exposition of these proceedings is indispensible to a correct comprehension of Gen. Jackson's qualifications for civil rule.

According to the provisions of the act of Congress, the Spanish laws were to remain in force and the power of executing them, was vested in such person and persons, and to be exercised in such manner as the President should direct. The President authorized Gen. Jackson as Governor to make subordinate appointments, under which authority, he appointed H. M. Brackenridge Alcade of the town of Pensacola. The office of Alcade was partly judicial, partly ministerial. He acted as Notary Public, administered oaths, and preserved the records and papers pertaining to judicial proceedings. Mr. Brackenridge acted in various characters under Gen. Jackson and enjoyed his confidence in a high degree. Soon after, Mr. Brackenridge entered upon the duties of Alcade, an incident occurred, which in its consequences, fully verified the exclamation of the poet.

'*What dreadful contests rise from trivial things.*'

An affidavit detailing the transaction was made by Mr. Brackenridge, from which I compile this account:—About ten days after the delivery of the province, Mr. Brackenridge was applied to by *a free woman of colour, natural daughter* of Nicolas Vidal, named Merced Vidal. She stated that her father had made a will devising his estate to herself and sisters: That John Innerarity, of the house of Forbes & Co. of Pensacola, was a debtor to her father, and had got possession of other property: That various judicial proceedings had taken place, and decrees had been made in favour of the legatees, and she produced a record of part of the proceedings. All the papers connected with these proceedings, of right, ought to have remained in the Alcade's office, and upon enquiry by Mr. Brackenridge, he ascertained that the papers in question were in possession of a man named Sousa, and that there was reason to believe, an intention existed to carry them out of the country, though, under the second article of the treaty, they ought to remain as evidence of private right to property in the country. Sousa held the papers in some way as officer or agent, for Col. Callava, who was the Spanish Governor of the province, at the time of its surrender to the United States. Mr. Brackenridge being at a loss what course to pursue, mentioned the case to the Governor, who replied: "*That if there were sufficient proof to warrant it, an application made to him in writing, should be attended to.*"

According to this suggestion, Mr. Brackenridge, as Alcade, on the 21st

not afterwards controul them. He was, in fact, free from all *blame*, much less *criminality*. Yet he too was imprisoned. It is strange to witness how very soon Gen. Jackson could accommodate himself to the exercise of all the most odious powers of Spanish despotism.

The facts already developed, present some other matter for serious consideration. In his late publication, Mr. Brackenridge tells us, that when Gen. Jackson came to consider this nature of his powers, he was in some difficulty about exercising them, and consequently confided the subject in a good degree, to Mr. Brackenridge, & Mr. Duncan. As Gen. Jackson did not profess to be much of a statesman or lawyer, and as Mr. Duncan was a civilian, and Mr. Brackenridge a lawyer, that was, doubtless, a prudent course. It seems singular, however, that so soon after this, Mr. Brackenridge should go to Gen. Jackson for advice, with respect to the order of proceeding, in a matter purely legal.—We have his word, nay, his affidavit, that he did so. The answer he received, was, if there be sufficient proof make application in writing, and it shall be attended to,—so says Mr. Brackenridge himself. This application is made, and Mr. Brackenridge seems no longer "*at a loss what course to pursue*;" on the contrary, he points out a course in his application, and it is pursued. Mr. Brackenridge, who afterwards appeared as attorney for *Miss Vidal*, is named as one of the persons to act, and in all the subsequent proceedings, is intimately associated with the actors in them.

Col. Butler and Dr. Bronaugh, whose functions were those of mere ministerial agents, and who should have preserved as much as possible a strict neutrality of sentiment in the contest, take great offence that Mr. Innerarity, who was interested in the matter, should be found at Col. Callava's house, and take upon themselves to counsel Gen. Jackson what he ought to do, by way of punishing Innerarity. They would have him removed from the office of cabildo. This advice was at any rate out of place,—and it leaves a strong suspicion on the mind, that in the whole business, Gen. Jackson acted upon the counsel of those around him. The relation of Mr. Brackenridge to the cause, he being attorney for *Miss Vidal*, was something like that of Mr. Innerarity, who was defendant. Why it was proper to confide the whole management to Mr. Brackenridge, whilst it was criminal in Mr. Innerarity to take any part, it is somewhat difficult for a man wholly indifferent to decide. If we suppose that Gov. Jackson and all around him were excited against the Spanish officers, the difficulty is removed.

Other facts, and other views of this affair, all highly important, remain to be presented and considered. Col. Callava had been Governor of the Floridas and Commissioner to deliver possession to the United States; and, though he remained in the country, he considered himself a Spanish officer. When first applied to, about the papers, he objected that he was not addressed in his public character, and there is reason to believe, that had he been so addressed, the papers would have been given up without trouble. Gov. Jackson's order was peremptory, that Don Jose Callava, deliver up the papers, or be brought before him a prisoner. When thus brought before Gov. Jackson sitting as Judge, Col. Callava, objected to Gov. Jackson's jurisdiction over him. He asked leave to write, and began to write a protest against the jurisdiction. But Governor Jackson "*declared, that he would hear no protest against his authority, whilst sitting in his judicial capacity.*"—Whether Col. Callava was subject to the judicial jurisdiction of Governor Jackson sitting as Judge, was properly a judicial question, upon which, Col. Callava had a right to be heard, and which the judge was bound to hear before he decided it. It is every day's practice for courts of justice to listen patiently to exceptions against their jurisdiction. By refusing to hear this plea, Gov. Jackson virtually condemned a man without hearing him, which is a violation of all the just principles of jurisprudence, and the very highest consummation of tyranny.

Nor was this all. Gov. Jackson's manner upon this occasion, was equally derogatory to himself, and to the high functions he was discharging. It is thus related by his friend and advocate, Mr. Brackenridge:

"After writing five or six lines, it was observed by H. Bigelow, Esq, who happened to be standing near the Governor, that he was dictating a protest. *The Governor on hearing this, with considerable warmth*, STRIKING ON THE TABLE, *and addressing himself to me, said:* 'WHY DO YOU NOT TELL HIM, SIR, THAT I WILL NOT PERMIT HIM TO PROTEST."

This conduct was most unseemly.—Here was a foreign subject, unacquainted with the language of his judge, and a stranger to those who had him in custody, arrested in the night, brought immediately to trial, called upon to accuse himself, by answering interrogatories; denied the privilege of protesting; and the judge exhibiting, both in manner and in language, all the intemperance of heat and passion. Is this a scene for an American court of justice?

There can be little doubt that Mr. Brackenridge viewed the conduct of Gov. Jackson in the most favorable light, and put the best construction upon it, that truth would admit, as truth appeared to him. That conduct is reprehensible enough in the account given by Mr. Brackenridge: the account of Col. Callava and of his friends, makes it much more so. Some extracts are here given from their statements:

"Don Andrew Jackson proceeded to speak for a considerable time, looking at the people, but speaking *furiously*: and in the countenances of the bystanders, I perceived fear and surprise, caused by what he said."

"I had hardly began to write, agreeably to permission, when Don Andrew Jackson took the paper [*snatched* he says, subsequently] from before me, & with much *violence* and *furious gestures*, spoke for some time."

Col. Callava, after relating the proceedings which terminated in the order for his imprisonment, proceeds:

"I begged the interpreter to ask him if he did not shudder with horror at insulting me, and pronounced a solemn protest at his proceedings. The interpreter informed him; and he replied, that he had no account to give but to his government: ☞AND HE TOLD ME I MIGHT PROTEST BEFORE GOD HIMSELF!!!"

The declaration "of many respectable witnesses," signed by Marcos de Villiers and thirteen others, the most of whom were afterwards proscribed and banished, corroborates the statement of Callava.

"The Governor, Don Andrew Jackson, with turbulent and violent actions, with disjointed reasonings, blows on the table, *his mouth foaming*, and possessed with the furies, told the commissary to deliver the papers as a private individual. * * *

"The Governor, Don Andrew Jackson, *furious*, did not permit the interpreter to translate what the commissary answered; that the bystanders, as it appears might not understand it.

Lastly, the Governor, Don Andrew Jackson, after having *insulted* the Spanish commissary with *atrocious words*, took out an order, already written: it contained the order for his imprisonment.

The Spanish commissary said he obeyed, but protested solemnly against the violations of *justice*.

The Governor, Don Andrew Jackson, answered, that it was of little importance to him; that he might even protest before GOD himself!!"

If these witnesses were prejudiced against Gov. Jackson, it must be admitted there were many reasons to warp the minds of his own supporters in his favour. If the truth, lies partly between them, the scene was most disgraceful.

During these three days, August 21, 22, and 23, the case of *Miss Vidal* had produced no slight degree of excitement and agitation, amongst the dignitaries at Pensacola. The proceedings were extraordinary in themselves. In doing right to this obscure com-

sued by his Excellency General Andrew Jackson, on the 29th day of September, 1821, requiring the said Marcos de Villiers, and Arnaldo Guillemard to withdraw themselves from the Floridas.

"Given under my hand, &c. this, 2d day of January, 1822, &c.

GEO. WALTON,
Secretary and acting Governor of W. F.

By the acting Governor,

"SAMUEL FRY, *Private Secretary.*"

It will give the reader some just notion of the influence exercised by Gen. J. over his subordinates, and of the fear he infused into them, to read Mr. Walton's account of his proceedings towards these officers, as given to his superior:

("Extract) *From Col. Walton to Gov. Jackson, dated.*

PENSACOLA, Jan. 7.

"A few days ago, two of the Spanish officers, Col. Marcos de Villers, generally called Col. Coulton, & Arnaldo Guillemard, arrived here in a vessel from Havanna. * * * When arrested, by my order, and brought before me, they declared they had come with the intention of asking permission to attend, in person, to the settlement of their private affairs, and the removal of their families. They solemnly declared, that they had not returned in defiance of the proclamation, which they had promptly obeyed, and that they were ready to submit themselves to any order which should be taken in their case. For the present, I ordered them into confinement; but the Calabouse being in no condition to receive them, for, excepting the officers' room, it has no fire place, and as Coulton is a very old man, and his wife at this time *extremely ill*, I thought it best to confine them in their own houses. The situation of old Coulton was such, that it would have been cruel to confine him in the dungeon with the *common malefactors*, and I could not, with propriety, make a distinction with respect to Guillemard. They then presented the enclosed memorial throwing themselves on the mercy of the Governor."

The arrest of these men was the greatest outrage that had yet been committed. They had departed in obedience to the illegal proclamation, leaving their families and property behind them. They came back divested of their commissions in the character of private citizens. The wife of one was extremely ill. They were arrested for disobedience to the proclamation, having violated no other law by which they could be judged. The poor cringing wretch of a Governor deputy, who had the boldness to do an illegal act, to gratify the vengeance of Gen. Jackson, had not the courage to indulge in an act of clemency, for fear of offending his chief. A strain of miserable whining runs thro' the whole of the foregoing extract, and he finally shelters himself from blame under the sanction of advice from others:

"This course was not adopted by me, until after consultation with Cols. Fenwick, Clinch, Major Dinkins, and Judge Brackenridge, who all concurred in the opinion that this was, under all circumstances, the most proper."

Congress being in session, when this latter arrest took place, a representation was made to the House of Representatives, by a petition from the officers themselves. This petition was referred to the committee of Naval Affairs, and on the 23rd of February, 1822, the chairman moved that the committee be discharged, and the petition referred to the President. A motion was made to lay the resolution on the table, on which a debate arose, that continued for several days, and in which a strong sentiment of disapprobation was manifested towards the conduct of Gen. Jackson, by many, who are now ready to make him President.

"Mr. Floyd could not conceive any powers which the Captain General of Cuba could have to violate the liberties of those who should fall within his jurisdiction. Here were men lingering in confinement—and we were not

now he said, deliberating at the point of the bayonet, but in peace and safety, deciding whether or not to lay the petition on the table. The man who could have the temerity, in this house, to lie by supinely on such a subject, may well tremble should he happen to be within the power of another government. He was opposed to any delay and thought it a subject that required the immediate interference of the House."

"Mr. Randolph thought this House could not, without gross violation of its duty, turn a deaf ear to the man, who says he is in bonds against law, and under our authority. It was not for us to sit here with stoic apathy, under circumstances like the present. It was worse than mockery to turn over the subject to the President of the United States, who is known, if not to approve, yet not to disapprove of the conduct of the Captain General of Florida. The Congress, sat here as the guardians of law and liberty. Were we asked whether we could not yield our confidence to the executive? He answered, no,—for that person was surrounded by a multitude of counsellors, in whom there was no safety, for like Ishmaelites, the hand of each was raised against his brother."

"Mr. Stephenson, (now Speaker,) was in favour of laying the motion on the table, for the reasons that had been assigned by the gentleman from Pennsylvania, and should vote in favor of the motion on that ground: But he protested against voting for it, for the purpose of putting it at rest. He hoped it would hereafter be taken up and fully discussed; and he asked, whether any one, after looking at the volume of documents, would say that the subject ought to receive the go-by."

"Mr. Buchanan was of opinion, that, after what had passed, a full investigation ought to be had on this subject. A charge had been preferred against a public officer, of high character, not only of an intention to violate the laws, of the country, but of having actually violated them; and, said Mr. B., we, the Representatives of the people are bound to investigate this charge.—The most serious consequences might be expected to result, if, after charges of this sort, were made against an individual, the House should avoid meeting the question, should put them to sleep by permanently laying them on the table."

"Mr. Archer said that he believed from public report, and from the documents which had been presented to this body, that there had been misconduct and malversation, either on the part of the Executive, or of some other officer of the Government, in regard to the transactions in Florida; and he told gentlemen of this house, who were the friends of the executive and of Gen. Jackson, that if the inquiry were shrunk from, an inference would be drawn by others, that they wished to suppress all inquiry on the subject. He told this to them, not as an adversary, but as a friend. Some gentlemen had said, that the executive had declared itself satisfied with the conduct of Gen. Jackson. If that was a good reason why no inquiry should be made, let the House say so. He was not of that opinion himself, and he entered his most solemn protest against it."

"Mr. Floyd made a few general remarks. Gentlemen had told the House, that the Executive approved the conduct of Gen. Jackson. It might be so, but Mr. F. enquired of gentlemen, upon what authority they made the assertion." * * "When we are told that *perfect tyranny can be established* in one of the territories, and that the executive approves of it, it is a fit subject for inquiry."

No inquiry took place. The resolution was laid upon the table, and the go-by was given to investigation. No man raised his voice in vindication of Gen. Jackson's conduct. But it was ascertained that the President had issued orders for the discharge of the officers, and a majority wished to get rid of a matter which they could not approve, and did not wish to condemn. Mr. Floyd, Mr. Randolph, Mr. Stephenson, Mr. Buchanan, and Mr. Archer, are all now willing to approve the conduct of Gen. Jackson, and make him

son was Captain General, commanding army, navy, and *posse commitatus*.—Though not the fountain of all law, he placed himself above all responsibility. Fromentin did not venture again to address him, but gave vent to his feelings in letters to the Secretary of State. This fact came to the knowledge of Gen. Jackson, and on the 13th of November, from Nashville, he addressed a letter to the Secretary of State upon the subject. The following are extracts from that letter.

"This expose furnishes a satisfactory view of the whole ground in dispute, and incontestibly proves that judge Fromentin has been guilty of *willfully* and *wickedly* fabricating the most palpable falsehoods. The evidence of such *unblushing depravity* and *corruption* should be placed in the possession of the President, and in strict justice, deserves to be exposed to the execration of the whole American people. When an officer of such high responsibility, under the Federal Government, manifests such *baseness* and *obliquity of heart*, it ought to excite our alarm, and stimulate the proper authority to apply the most speedy and efficient remedy."

* * * * *

"This course of proceeding, may very well comport with the corrupt and inquisitorial system of *former Spanish tribunals*, but they are clearly and palpably unjust, and merit the unqualified reprobation of every honest and intelligent American. I can assure you, that so far as I have been enabled to collect an expression of public sentiment relative to the conduct of judge Fromentin, it has evidently rendered him so *odious and contemptible*, that his name is only mentioned in GENTEEL CIRCLES to be *deprecated* and *despised*. It is considered so *flagrant* and *flagitious* a departure from justice and propriety, as seriously to impair his standing, and rather to produce disaffection, than inspire respect and confidence in the American authorities in Florida."

"Situated as judge Fromentin was, I did not anticipate that he would have had the *hardihood* and *temerity* to revive this transaction, and make it a subject of public investigation. Good sense, as well as the best policy, would certainly have dictated a very different procedure. After his concessions and open acknowledgments that he had acted hastily, and without due consideration of the case, it could not have been expected that the most *abandoned* and *profligate* would have denied the facts, particularly when those declarations were made in the presence of several gentlemen of the most unimpeachable integrity. The man who could thus *prostitute* his signature, for the propagation of such *glaring and barefaced falsehoods*, evinces an *effrontery* almost without a parallel, and a *destitution of principle* very incompatible with the character of one selected to administer the laws as judge of the United States. Elevated as he was, I had hoped that I should meet with a manly feeling and lofty integrity corresponding with his honorable station, but I sincerely regret to say, that he has displayed a *want of honesty and candour only becoming an apostate priest*, and which is enough *to suffuse the cheek of depravity itself with a blush*."

The reader must remember, that the letter, from which these extracts are made, was written more than two months after the events to which it relates. Time was given for the excitement of the moment to pass away; yet does General Jackson work himself again into a most unbecoming passion, and indulge in the use of language, which no circumstance or situation could excuse. It has been said that it is not that which entereth in, but that which cometh out of the man, that defileth him. It is Gen. Jackson, and Gen. Jackson alone, that is defiled by this indecent departure from all that is becoming and respectable amongst gentlemen. What language is this to address to the executive of the nation! How well might I parody a part of it, and say: "The man who could thus prostitute his station, in the employment of such course and vulgar language, in his correspondence with the Secretary of State, evinces an ignorance of propriety, almost without parallel, and a rude vulgarity very incom-

patible with the character of one selected for high office, under the United States."

We have now disposed of the important collateral matters that arose out of the case of the *fair mulatto*, whose original application was to obtain possession of certain documents, upon which her rights depended. Mr. Brackenridge made the application, in his official character as Alcade, claiming papers that properly belonged to his office. Having effected this purpose, he appeared in a new character, that of attorney for the *fair mulatto* and her co-heirs against John Innerarity.

An application was made to Governor Jackson, as invested with the supreme judicial authority of the country, to proceed in the case, as it was presented by the documents obtained from Callava. This application was in the form of a petition, praying to have Innerarity cited to show cause why a decree previously rendered by Gov. Callava should not be carried into effect. This prayer was allowed, August 28. R. K. Call, the late aid of Gen. Jackson, and H. M. Brackenridge the Alcade, acted as attornies for the petitioners. On the 29th of August Mr. Innerarity appeared, and subsequently filed a plea to the jurisdiction of Governor Jackson, and assigned reasons why there should be no further proceedings against him.—Gov. Jackson, by some process or other, associated with himself, as supreme judge or Captain General of Cuba, one J. C. Mitchel, who figures in the proceedings as one of his excellencies witnesses. And before these two judges, the cause was pressed to final hearing; every plea and argument of innerarity and his counsel being overruled, and a decree pronounced, on the 17th of September, 1821, in the nature of an interlocutory decree. The two opinions, one over-ruling the plea to the jurisdiction, the other deciding in favour of Miss Vidal, who, it should have been sooner stated, though proceeding in her *maiden name*, appears to have had a husband, are both written out with great solemnity. They are obviously not the work of Governor Jackson, but are nevertheless singular burlesques upon legal and equitable principles. But I do not intend here to review them.

Auditors were appointed under the interlocutory decree, who made a report. Innerarity, on the 8th of October, 1821, petitioned for further time to object to the report. The following is an extract from this petition:

"The defendant again intreats and implores that these sacred oracles may not be disregarded or overruled.—These are the laws in which he has been nurtured. *Hic bonus esse.* They lead to safety and security. They are a pavillion in the time of danger, and the defendant's only refuge in the hour of need. Your Excellency's proclamation solemnly guaranties the boon of the continuance of the Spanish laws; it is a pledge too precious to be parted with; it is the plank to which the defendant clings when he sees all the elements warring around him. It is the ark of safety, a sanctuary in the season of distress. He is now in that extremity. He has been told by your Excellency, that you sit as his judge in the first instance, and en dernier resort ne plus ultra, without any other resource, or means of redress, inasmuch as all power is combined in your Excellency.

"The defendant humbly hopes that he will be permitted to say, with all possible respect, that such a situation is critical; nay, awful indeed! It is without a solitary precedent in modern annals; at least if they do furnish one, it is far beyond his ken, or the utmost range of counsel. He is, in a word, without hope, without confidence, except in the justice of his exceptions to the report, which he will make, if he is granted the privilege of the law; and if not, then he must yield to force, in which case, he most respectfully begs that this may be considered as his reverential protest. It is under all these alarms, and under circumstances of far greater weight, than any which he has hitherto mentioned, but which, through profound respect to your Excellency, remain enshrined in his own bosom, that he most humbly

HERO OF TWO WARS.

Act 5, Scene 5.

Private room at the Capitol. HERO *alone, walking in great agitation.*

This is the very crisis of my fate!
Now Fortune, thou blind Goddess, smile propitious,
As thou art wont to smile upon the brave.
Let my high hopes of power be consummated,
By public choice expressed in legal form.—
[*After a long pause.*
But come what may come, Hero is resolved,
Or fair or foul, to reach the destined goal,
To which his strong ambition long hath looked,
With ardent gaze and scorching thirst for empire.
It shall be seized, if by the last resort.
This has been weighed maturely, and the train,
Is safely laid for action; and to spring it,
Needs but a word from one of desperate fortune.
For what have I to lose, whose days, at best,
Are almost numbered?—Who shall count the gain?
He best can count it, who has keenly felt,
The sweets of deep revenge on hated foes,
Who like the great Archangel fallen proclaims,
The unsubdued and stern resolve of pride,
Rather "*to rule in Hell, than serve in Heaven.*"
So do I feel, and such is my resolve.
And in my mind, exposed as I have been,
Lashed into fury, by the blazoning forth,
Of a long life of folly to the gaze,
Of the astonished multitude, whose stare
Sears my brain with fury uncontrouled.
To reign supreme one single month, is worth
The utmost consequence of life or death.
Then shall these people well repent, that they
Opposed my wishes, or exposed my crimes—
I'll make them fear me, whom they would not love,
And cower beneath the sceptre I shall sway
Supreme, where once this proud Republic stood,
The pride and wonder of the admiring world.
The disaffected spirits of the South
And East and West, from Maine to Mexico,
Stand ready for revolt. The signal given,
They rush around their chief, and hurl defiance
At all who talk of laws and constitutions.
And shall I pause, when glory points the way,
And deep revenge incites me to the field?
Shall I, who've trafficked human flesh for gain,
Doubt if I barter liberty for power?
Shall I bind slaves, and not bind freemen too,
Who crowd around me, begging to be slaves?
Dark ministers of Fate have whispered oft,
That I shall scourge the land. Then be it so—
I but obey my destiny: the blame
Rests with the Fates, not me:—I yield me to them.
I will, like Alaric, "the scourge of God,"
The ruthless spoiler of Imperial Rome,
Pour forth the furies of my breast, and blast
Like him, the herbage of the earth, where e're
I turn my footsteps through the trembling land.
Oh! glorious thought! My longing soul's on fire,
To burst like Ætna on the astonished world.
To march resistless o'er my prostrate foes,
Making their necks my footstools, as I mount,
The Imperial car that crushes them to death:—
Then shall this hated coalition crew,—
This C***, and all his minions writhing feel,
The tortures that my vengeance dare inflict—
Who comes to interrupt me there? Avaunt!—
Alas! the spell is broke—the vision fled;

Enter Dictator, Lutestring and Cypher.

LUTE. All, all is lost! Proud with success, your rival
Smiles on the courtiers that around him throng,
With gratulations warm. Meantime, your friends
In sullen gloom retire from the crowd,
Desponding at their fate.

CY. They must be cheered,
With a new enterprise they know not of.
The secret once disclosed, their swelling souls,
Will burn for action, in the high emprise.

DIR. A cast so desperate should be well considered.

HERO. Away with caution and consideration!
They both are dastard traitors to true daring:
Seize the Director! he cannot be trusted.—
Here! this to my Major Domo—this to him,
Who ruled my councils in the field of Orleans—
And this to *Outcast*:—Let no time be lost.
And this—and this—. Observe you the Director.
Here, wev'e ten thousand men already levied—
With these we'll storm the Capitol, and drive
The Coalition from their ill got seats:—
On—on to action—we all right defy,
We reign triumphant, or we traitors die!—
[*Exeunt Omnes in great confusion.*
Curtain falls slowly—tune, 'The death of Liberty.'

FURTHER ILLUSTRATIONS OF GEN. JACKSON'S TRUE CHARACTER.

Almost every day developes some new fact, illustrative of the true character of Gen. Jackson, and demonstrating the mistakes that have prevailed with respect to his talents and information. It is humiliating to be made certain of the extent of his ignorance: and yet it is a duty to ascertain that fact. The reputation he has acquired, the stations he has occupied, and that to which he aspires, all attach importance to him. We naturally ask ourselves, can it be possible, that a man of very slender capacity, of no learning and of no experience in public affairs, by the mere force of arrogant pretension, could occupy so much space in the minds of an enlightened people?—We feel the reflection cast upon us, by an affirmative answer to this enquiry, and we are therefore reluctant to make it. The fact, however, cannot be negatived by our unwillingness to admit it. No doubt can remain, upon the impartial and the intelligent mind, that General Jackson is, and ever has been, a rash, vain, and presumptuous ignoramus: that it is to a good portion of an

courage, and to an uncommon share of vindictive fury, united with an impetuous temper, that he has made an impression upon those around him. How discreditable to our country that such a man should be selected, for her highest stations, and held up as a paragon of virtue and of talents! How disgraceful! how pregnant with mischief! should the infatuation of the people place him in that station!

In Gen. Jackson's public correspondence, upon public affairs, there is a decent accuracy of composition, which would indicate a tolerable scholar; and, although the language is very often exceptional for its rudeness and coarseness, his writings might pass for those of a plain, unlettered, but intelligent man. When, however, his correspondence, such as is actually and unquestionably his own, comes to be inspected, it is found of a totally different description. All the rules of composition, of orthography, and of syntax, are disregarded, and a most reprehensible ignorance is made manifest. Only a few specimens have fallen into the hands of those who have deemed it right to expose them. They have been sufficiently conclusive. Still it cannot be amiss to multiply the proofs upon this head, and, for that purpose, I here copy exactly, with the exception of punctuation, two original letters from Gen. Jackson. They deserve to be preserved, in this work, as curiosities, in more particulars than that of their literary pretension. They present, no doubt, a fair specimen of the writer's mind, and of the subjects that occupied it, at the time they were written. He was then forty years of age, in the prime and vigor of manhood, and the medley of crudities which these letters contain, seem to have been the chief pabulem on which his intellect subsisted.

"I recd. your note: its contents duly observed. the receipts as directed I have retained. the negro Girl named, if likely, at a fair price, I will receive. I have recd Some Communications from the President and Secratary of War, and your presence is required, at My house to morrow Evening, or Early Monday Morning to consult on Means & Measure, and to determine the latitude of the authority. it is the merest old woman letter from the Secratary that you ever Saw. your presence on Sunday Evening will be expected, and your presence on monday morning at 9 oclock cannot be dispensed with. you must attend. I have Sent an express to the mouth of Cumberland & to Massac to see and hear, and make observations. I have wrote to Capt. Bissle: but from information recd, at the moment the Messenger was Starting, Gives me reason to believe that Bissle is the Host of A. B. Williamson has denounced B. as a traitor after he found that he was implicated. this is Deep policy. he has obtained thereby the Command of New Orleans the Gun Boats armed and his plan can now be exicuted without resistance. But we must be there in due time, before fortifications can be erected, and restore to our Government New Orleans and the western Commerce. you must attend. Give to those officers that you see assurances that all Volunteer Companies will be Greatfully accepted off. we must have thirty, 35 or 40 Companies into the field, in fifteen or twenty days; ten or 12 in four, I have it from the President, I have it from Dixon that all Volunteers will be gratefully accepted. Tomorrow night Winchester will be with me, I wish you there, the Secratary of War is not fit for a Grany. I fear J. Randolphs Ideas were too Correct; but duberous as he has wrote there are sufficient authority to act. Act I will, and by next mail I will give him a letter that will instruct him in his duty, and convince him that I know mine. If you Convenient bring the Girl with you and Health and respect A. JACKSON.

Compliments to Mrs A. I must tell you that Bonepart has destroyed the prussian army.—We ought to have a little of the Emporers energy."

This letter is without date, but is endorsed as written the 4th and received the 6th of January, 1807, and was addressed to Maj. Wm. P. Anderson. The occasion of writing it, as will be seen, was the receipt of the President's proclamation respecting Burr, and a letter from the Secretary at War on the same subject. And it is certainly remarkable for the cool indifference with which private receipts, a negro-trading bargain, contempt for the Secretary of War, and consultations for the suppression of a supposed wide spreading treason are commingled together.

If we rightly comprehend this document, an express had arrived with letters from the President and Secretary of War, informing Gen. Jackson that a diabolical and treasonable conspiracy was in full action, and that his own neighbourhood had been one theatre of its operations, and himself a dupe to aid it. He is called upon to make immediate efforts to quash it, and this

Had any despotic sovereign, who observed the maxim of justice in administering his government, ever sought a body guard for his protection? Rather does not all experience teach us, that this is the resort of the unjust oppressor, and the cruel tyrant? Was not the world warranted in the deduction that such an organization, as you have entered into, included an admission, that there were many weak points to be defended? In short, was not your association an open proclamation that your hero was vulnerable in many places, which a shield of seven bulls' hides, encased in brass, was scarcely sufficient to defend? I do assure you, sir, that no other legitimate conclusion could be fairly drawn. Did it become G. W. Campbell to assume the character of a gilder of suspected wares, that by artificial polish, a blemished vessel might be passed for a sound one? In my opinion, this vocation did not become him, and by officiating in it, he has done prejudice, both to himself and to the American people.

Independent of your standing, as a man who had occupied high places, there were other reasons that should have forbade you to join this association of white-washers. Your intelligence of a general character, your knowledge as a lawyer, your information as a politician, and your intimate acquaintance with the private history and personal qualifications of Gen. Jackson, made it impossible that you could become his eulogist and vindicator without a reprehensible violation of duty. All his defects of character, his violence of temper, his egregious vanity, his predilection for despotic power, his thirst for speculation, his deficiency of education, were familiar to you. It is well known to you, that he possesses no one of the qualifications for civil rule, that a President of the United States should possess. When, then, you recommended his election in general terms, you did that, which your better knowledge admonished you was wrong: When you engaged in his defence against the various objections which have been urged against him, you then knew you were attempting to impose falsehood upon your fellow citizens, for truth. The imbecility of Overton might be an excuse for *him*. The ignorance of facts, and parasitical credulity of J. N. Hall might form his apology. But you are neither imbecile nor ignorant of facts. When you set your name to sanction misrepresentation; when you lent your talents to make "*the wrong appear the better reason*," you were perfectly conscious what you were about. You distinctly comprehended, that if you obtained credence, the country would be deceived. Your own reflections taught you, that was Gen. Jackson as well known to all, as he was to you, no man would seriously think of him for President. Can you, sir, without bitter emotions of shame, and keen "*compunctious visitings of conscience*," turn your mind in upon itself, and subject your own conduct to the scrutiny of a proper self examination? Can you survey the present state of the country, and witnesss the personal animosities, which the unwarranted pretensions of a mere pretender, have engendered, and the public degradation which those pretensions have brought upon the country, its intelligence, morality, and institutions, without a sensation of deep remorse? I am deceived, much deceived, in your character, if you can be in concord with yourself. Your strong sense of public duty, and your ready power to discriminate between truth and error, right and wrong, must be at war with your course as a member of the Committee of Varnishers.—Nay, your pride cannot but make you sensible, that the employment, is, in every sense, degrading to you.

At some future day, you may possibly review, in your own mind, the attempt to varnish Gen. Jackson's matrimonial connexion: With what feelings can you recollect that the very event thus *white-washed into virtue*, had been a standing jest for nearly thirty years? A jest of reproach and ridicule, even amongst the very persons, who gravely took upon themselves to purify the transaction from all censure. Did you sir, and your compeers, in this work, feel a just respect for the American people, when you presented to them your effort at vindication? It was

an open declaration that you relied upon their credulity and their prejudices. It was an insult, sir, to the common sense of every unprejudiced mind. It was an expression of contempt; it was solemn irony; it was bitter ridicule. It was holding up your fellow-citizens, at least your devoted partizans, to the scoffs of others, and to the confessed degradation of themselves.—It was requiring them to write fool, or dupe upon their own fronts, and to wear the inscription in naked exposure to the world. That you judged correctly of the devotion of your partizans, I admit. You may make any proposition with impunity, even to a lady, when her passions are excited to a certain point. But when the excitement subsides, and reflection returns, she will know how to estimate you. So, when the mania that has seconded your claims for Gen. Jackson shall be removed, and political health restored, the people must feel, as upright persons should feel, towards those who have insulted both their principles and their understandings.

In all ages of the world, crime as well as vice, when attributed to the idol of a party have found apologists. Of all the dark catalogue of crimes, none has produced more mischief and horrors than the indulgence that violates the seventh precept of the decalogue. Whether we examine its effects upon the affairs of nations, committed by Kings and rulers, or whether we view it only as operating in the scenes of private life, the results are the same. Perjuries, murders, treasons, are but its ordinary consequences. History, sacred and profane, the annals of public and private men, all teach the same lesson. The murder of Uriah, and the rape of Helen are but common instances. Similar ones occur in all ages, and in all countries. Every year we have more than one case of the kind, where murder follows adultery, even in our own country. What then should a virtuous people think of those, who associate together, professedly to make apologies for this enormity committed, under any possible circumstances? Do not deceive yourself. This transaction has sunk deep in the minds of all the virtuous and the good. Like yourself, they may, for a time, permit party views and party excitement, to silence their just reflections. But they cannot be extinguished. Nay, they must be kept fresh in recollection by other events. Do you not know, sir, that since your vindication of this crime has been spread before the world, some of its secret perpetrators have almost thrown off their disguise? Have you not heard of a case very like that of Uriah? Are the perpetrators utter strangers to you? Know you nothing of a man, in high station, whose domestic relations are neither to be seen or named? Is there no instance, even of female aberration, where it would have been thought impossible? I speak to your consciousness, and to your conscience. I cannot be deceived about the response of either.

Have you, sir, dealt candidly with the country, and according to the best of your judgment, in the case of the Six Militia Men? Would you commit your professional reputation, by giving an individual opinion that the law warranted their execution? I cannot believe it. Experience demonstrates, that bodies of men often say and do that, for which no one of them would become individually responsible.

Are you prepared to stand before the nation and vindicate the transactions with the Heirs of Allison?—Would not your moral sense revolt at an effort to reconcile the whole proceeding to the maxims of justice or of equity? Are you not sensible that a studied misrepresentation of facts has been put forth in that case? Are you not thoroughly convinced that the setlers must have prevailed? Do you not know that this conviction, the result of increased information, produced the compromise?

But sir, the principal object of this letter, is to review the latest effort of your association: the attempt to rescue your idol from the consequence of his connexion with Aaron Burr and his conspiracy. This effort is a *chief de ouvre*, even for the Whitewashing Committee. I shall dissect without describing it.

never had any conversation with him, that related to me. I asked him from whom he got his information of B's. opinions on marriage; he replied from N. Knowing that N. and B. were well acquainted it rushed into my head, that he might be a professed rake, and from the colouring he held in conversation with me, and my flirtations with him, I viewed it as base conduct towards me. I wrote B. in strong terms my suspicions of him, and until they were cleared from my mind, no further *intimacy* was to exist between us. Not long after, I received his answer, with the sacred pledges, that he had not, nor never had any dishonorable views."

In the case supposed, does this paragraph wear even the semblance of conscious virtue? Wherein does your exculpatory epistle put a better face upon the case of the writer. Why, sir, it is a mere mockery of common sense to adduce this letter as an evidence of innocence. An honorable, an unsuspected patriot, surmise suspicion of treason against himself, and volunteer a mumbling and crippled apology, a more than half confession that he is obnoxious to the charge!! It must, indeed be a desperate condition where this is the best resort.

I pass by the letters to Smith and Dickson, because I can see nothing in them that bears upon the subject.—Isolated extracts only are given. These cannot be correctly understood, unless in connexion with the whole letters.

Next, the testimony of Gen. Coffee and of Mr. Ward is introduced as "*completely explanatory of all the circumstances.*" This, sir, is the round assertion of the Committee; but in my opinion, it leaves much unexplained. The facts narrated by Gen. Coffee, are in brief to this effect: Burr visited Tennessee, and Gen. Jackson, in 1805. spoke of a settlement on the Washita river, and of a rupture between the U. States and Spain, and made an impression that, in that event, he would have the command of an expedition against Mexico. After this he wrote letters to Gen. Jackson, and Gen. Robertson, requesting them to send him a list of enterprising young men, who would be suitable to serve the country in a contest with Spain. This list, with the aid of Gen. Jackson, was made out and forwarded.

Here, Gen. Coffee throws in his account also, of Burr's standing in the Western country, "having lately filled the second office in the Government." Consequently, no idea could be entertained that his measures were without its approbation. The truth, however, is, and it is well known both to you & to Gen. Coffee, that Burr had not the confidence of Mr. Jefferson or of the Government. Why he had not, has already been explained, not for your information, but for that of the reader. This remark of Gen. Coffee, is gratuitous and deceptive: You, sir, knew it to be so. You possessed too fully the confidence of Mr. Jefferson, to be uninformed of the estimation in which Burr was held by him. You were too fully acquainted with the sentiments of the country, not to know that Burr did not possess the confidence of the Republican party, at any moment after Mr. Jefferson was elected President.

After the transactions already narrated, Burr transmitted, at different times, through Gen. Jackson, to Gen. Coffee, four thousand dollars, to be expended in boats and provisions. Subsequently, suspicions arose of Burr's intentions and the General's agency ceased, except to discharge the contracts on hand. The account was settled, and the money not expended returned to Burr.

This explanation, sir, is far too general to be satisfactory. Gen. Coffee tells us, the particulars detailed, were founded upon papers written at the time, and in his own hand writing. Dates then must have been in his power. Why not give them? At what date was the money received? When were contracts first made for building boats? When did the agency cease? The particulars which these interrogatories would have elicited, ought to have been stated. They would have enabled every man to judge, whether Burr was suspected when the agency commenced; whether it ceased as soon

s suspicion was spread abroad against him.

When a witness,—when a friendly witness, gives ex parte testimony, and substitutes his own general assertions for the particular details upon which they are founded, the testimony is to be received with great caution. You well know, sir, that in ordinary cases, it is entitled to little weight. Would these details have fortified and confirmed the general statement of Gen. Coffee, they ought to have been given; I have no doubt they would have been given. The omission to give them, warrants the inference that they would conflict with his own conclusions. The evidence derived from other sources, assures us this money was received in November and December. General Coffee may persuade himself—you and your confederates may persuade your partizans, that Burr was not then suspected; but notorious facts are against you, and independent men could not concur with you. This you well knew, and, therefore, Gen. Coffee omitted the particulars which every searcher after truth would call for, as indispensible to the formation of a correct judgment.

Gen. Coffee proceeds to state, that when Burr came to Tennessee in December, 1806, his last visit to that place, he lodged at a tavern at the Clover Bottom, and was cooly received. That he was visited by Jackson and Overton, and informed of the suspicions attached to his movements. Burr protested that he contemplated nothing illegal or hostile to the Government, and soon after left the country. Young Mr. Hays, a relative of Mrs. Jackson, and a kind of protogee of the General, accompanied him, with instructions from the General to leave Burr should he discover his designs to be illegal!!!

The latter part of this statement discloses a very extraordinary and unnatural proceeding. Gen. Jackson entrusts a young relative to the protection and guidance of a suspected traitor, relying, for his safety, upon an admonition to leave him when his treason should be ascertained. Was there no fear that, in such hands, the young man might he corrupted? Was there no fear that he might be deceived, or coerced into guilt? What would the world say of one, who should confide a young female to the direction and society of a suspected procuress, with instructions to *leave* it, should she find herself in a brothel? If Gen. Coffee be correct, in his statement Gen. Jackson's conduct to young Hays was equally reprehensible.

The account given of the cool reception of Burr, at Nashville, in December, 1806, is at variance with the fact, established by other proof, that he was invited to a ball, at that time, and introduced by Gen. Jackson. And this fact you have neither attempted to controvert or to explain. Mr. Ward is introduced to repeat the hearsay of Overton. "*So soon as rumor reached this country*, that Burr had treasonable designs against the Government," Jackson and Overton waited upon Burr at Clover Bottom, informed him of the rumor and required him to state his views. He protested upon the honor of a gentleman they were not inimical to the Government, and showed a commission in blank with Mr. Jefferson's signature to it. Let me assure you, Sir, that this is a very awkward piece of testimony. It was a great oversight, in able counsel like yourself, to introduce it. Burr it seems, was at the Clover Bottom when the first *rumor* came. It did not precede, it followed him to Tennessee, in December, 1806. There is some discrepancy between this assertion, and your fourth established proposition, that suspicion had been *allayed*, by the last proceedings in Kentucky. That which had no existence could not well be *allayed*. But, if, as you assert, suspicion was allayed—if "*so soon*" as renewed rumor reached Tennessee, Jackson and Overton visited Burr, at Clover Bottom, to demand explanations, why was he "*met coolly*," upon his first arrival, by his former friends? According to the testimony of Ward and your fourth position, there could be no reason for this "*coolness*." Suspicions were allayed, and rumor silenced. It is somewhat unfortunate that the stories of two witnesses, so "*full and decisive*," should stand in direct contradiction, upon an important point.